

REMARKS

Claims 1-3, 5, 10 and 11 are pending in this application.

By this Amendment, claim 1 is amended, claims 4 and 6-9 are canceled, and claims 10 and 11 are added.

No new matter is added by this Amendment. Support for the language added to claim 1 and for new claims 10 and 11 is found in the original specification, claims and Figures. In particular, support for the language added to claim 1 and for new claims 10 and 11 is found in original claims 4 and 6-9.

I. Rejection Under 35 U.S.C. §112, second paragraph

Claims 6-9 were rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite. This rejection is respectfully traversed.

Each of claims 6-9 is canceled. Thus, this rejection is now moot.

II. Rejection Under 35 U.S.C. §102(b)

Claims 1-3, 5, 6 and 8 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 2,374,182 (hereinafter "Duke"). This rejection is respectfully traversed.

Claims 6 and 8 are canceled, thus with respect to claims 6 and 8, this rejection is moot.

Claim 1 recites, in part, a vehicle to assist walking comprising a seat plate which comprises a pair of seat plate portions. Duke, on the other hand, discloses a seat plate formed of a single plate.

With a pair of seat plate portions, as required by claim 1, a user of the vehicle can more easily project and remove the seat plate portions because the length of each of the seat plate portions is shorter. That is, the length of each seat plate portion is a fraction of the

whole seat plate. As acknowledged by the Patent Office, nowhere is this benefit taught or suggested by Duke.

Original claim 4 is not rejected as being anticipated by Duke. Since claim 1 now includes the features of original claim 4, the rejection of claim 1 is also overcome for this additional reason.

For at least the foregoing reasons, Applicants submit that Duke fails to anticipate the subject matter of claim 1 or the claims dependent therefrom. Withdrawal and reconsideration of the rejection are thus respectfully requested.

III. Rejection Under 35 U.S.C. §103(a)

Claims 4, 5 and 7 were rejected under 35 U.S.C. §102(b) as allegedly being unpatentable over Duke. This rejection is respectfully traversed.

Claims 4 and 7 are canceled, thus with respect to claims 4 and 7, this rejection is moot. However, claim 1 is amended to include the limitations of original claim 4.

Claim 1 recites, in part, a vehicle to assist walking comprising a seat plate which comprises a pair of seat plate portions.

The Patent Office acknowledges that Duke fails to disclose a pair of seat plate portions, but alleges that it would have been obvious to one skilled in the art to make the unitary seat of Duke into a pair of seat plate portions because it allegedly requires only routine skill in the art to make a unitary element into separate components, for example, to aid in folding the vehicle. Applicant respectfully disagrees.

First, there is no motivation modify Duke as suggested by the Patent Office. Duke teaches a seat 19 that may be oscillated or rotated about a post 13. See page 1, col. 2, lines 31-32 of Duke. As shown in Figures 2 and 4 of Duke, the seat 19 may be rotated from a horizontal position to a vertical position. See also page 1, col. 2, lines 34-52 of Duke. Because the seat 19, disclosed by Duke, is capable of rotating to a vertical position, either in

an upward or downward direction, there is no need for the seat to be modified into two separate components to aid in folding the vehicle.

Second, Duke further teaches away from using a pair of seat plate portions in that Duke teaches a vehicle in which a user can not easily sit on the projected seat plate because, for example, a handicapped user would not be able to easily step over the projected seat plate.

Finally, there are a number of benefits associated with a seat plate that comprises a pair of seat plate portions. For example, a user may choose to project only one seat plate portion to the inside area of the vehicle, thereby allowing the user to sit on the projected seat plate portion, giving the user additional height in order to, for example, reach items or objects that may have formerly been out of reach.

Nowhere does Duke teach or suggest the benefits associated with the invention of claim 1. That is, nowhere does Duke teach or suggest a vehicle to assist walking comprising a seat plate having a pair of seat plate portions, as required by claim 1.

For the foregoing reasons, Applicants submit that claim 1 and the claims dependent therefrom are in condition for allowance. Reconsideration and withdrawal of the rejection are thus respectfully requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3, 5, 10 and 11 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Linda M. Saltiel
Registration No. 51,122

JAO:LMS/hs

Date: June 25, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**

Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461